



HJ0154

LRB099 22105 JWD 49442 r

1 HOUSE JOINT RESOLUTION

2 WHEREAS, The 99th General Assembly of the State of Illinois  
3 has submitted House Joint Resolution Constitutional Amendment  
4 36, a proposition to amend the Illinois Constitution, to the  
5 voters of Illinois at the November 2016 general election; and

6 WHEREAS, The Illinois Constitution Amendment Act requires  
7 the General Assembly to prepare a brief explanation of the  
8 proposed amendment, a brief argument in favor of the amendment,  
9 a brief argument against the amendment, and the form in which  
10 the amendment will appear on the ballot, and also requires the  
11 information to be published and distributed to the electorate;  
12 therefore, be it

13 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
14 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
15 SENATE CONCURRING HEREIN, that the proposed new Section 11 of  
16 Article IX shall be published as follows:

17 "ARTICLE IX

18 REVENUE

19 SECTION 11. TRANSPORTATION FUNDS

20 (a) No moneys, including bond proceeds, derived from taxes,  
21 fees, excises, or license taxes relating to registration,

1 title, or operation or use of vehicles, or related to the use  
2 of highways, roads, streets, bridges, mass transit, intercity  
3 passenger rail, ports, airports, or to fuels used for  
4 propelling vehicles, or derived from taxes, fees, excises, or  
5 license taxes relating to any other transportation  
6 infrastructure or transportation operation, shall be expended  
7 for purposes other than as provided in subsections (b) and (c).

8 (b) Transportation funds may be expended for the following:  
9 the costs of administering laws related to vehicles and  
10 transportation, including statutory refunds and adjustments  
11 provided in those laws; payment of highway obligations; costs  
12 for construction, reconstruction, maintenance, repair, and  
13 betterment of highways, roads, streets, bridges, mass transit,  
14 intercity passenger rail, ports, airports, or other forms of  
15 transportation; and other statutory highway purposes.  
16 Transportation funds may also be expended for the State or  
17 local share of highway funds to match federal aid highway  
18 funds, and expenses of grade separation of highways and  
19 railroad crossings, including protection of at-grade highways  
20 and railroad crossings, and, with respect to local governments,  
21 other transportation purposes as authorized by law.

22 (c) The costs of administering laws related to vehicles and  
23 transportation shall be limited to direct program expenses  
24 related to the following: the enforcement of traffic, railroad,  
25 and motor carrier laws; the safety of highways, roads, streets,  
26 bridges, mass transit, intercity passenger rail, ports, or

1 airports; and the construction, reconstruction, improvement,  
2 repair, maintenance, operation, and administration of  
3 highways, under any related provisions of law or any purpose  
4 related or incident to, including grade separation of highways  
5 and railroad crossings. The limitations to the costs of  
6 administering laws related to vehicles and transportation  
7 under this subsection (c) shall also include direct program  
8 expenses related to workers' compensation claims for death or  
9 injury of employees of the State's transportation agency; the  
10 acquisition of land and the erection of buildings for highway  
11 purposes, including the acquisition of highway rights-of-way  
12 or for investigations to determine the reasonable anticipated  
13 future highway needs; and the making of surveys, plans,  
14 specifications, and estimates for the construction and  
15 maintenance of flight strips and highways. The expenses related  
16 to the construction and maintenance of flight strips and  
17 highways under this subsection (c) are for the purpose of  
18 providing access to military and naval reservations,  
19 defense-industries, defense-industry sites, and sources of raw  
20 materials, including the replacement of existing highways and  
21 highway connections shut off from general use at military and  
22 naval reservations, defense-industries, and defense-industry  
23 sites, or the purchase of rights-of-way.

24 (d) None of the revenues described in subsection (a) of  
25 this Section shall, by transfer, offset, or otherwise, be  
26 diverted to any purpose other than those described in

1 subsections (b) and (c) of this Section.

2 (e) If the General Assembly appropriates funds for a mode  
3 of transportation not described in this Section, the General  
4 Assembly must provide for a dedicated source of funding.

5 (f) Federal funds may be spent for any purposes authorized  
6 by federal law."; and be it further

7 RESOLVED, That a brief explanation of the proposed  
8 amendment, a brief argument in favor of the amendment, a brief  
9 argument against the amendment, and the form in which the  
10 amendment will appear on the ballot shall be published and  
11 distributed as follows:

1  
2  
3  
  
4  
5  
  
6  
  
7  
8  
9  
10

**PROPOSED AMENDMENT  
TO ADD SECTION 11 TO ARTICLE IX  
OF THE ILLINOIS CONSTITUTION**

**That will be submitted to the voters  
November 8, 2016**

**This pamphlet includes**

- EXPLANATION OF THE PROPOSED AMENDMENT***
- ARGUMENTS IN FAVOR OF THE AMENDMENT***
- ARGUMENTS AGAINST THE AMENDMENT***
- FORM OF BALLOT***

1 *To the Electors of the State of Illinois:*

2 The Illinois Constitution establishes a structure for  
3 government and laws. There are three ways to initiate change to  
4 the Illinois Constitution: (1) a constitutional convention may  
5 propose changes to any part; (2) the General Assembly may  
6 propose changes to any part; or (3) a petition initiative may  
7 propose amendments limited to structural and procedural  
8 subjects contained in the Legislative Article. The people of  
9 Illinois must approve any changes to the Constitution before  
10 they become effective. The purpose of this document is to  
11 inform you of proposed changes to the Illinois Constitution and  
12 provide you with a brief explanation and a summary of the  
13 arguments in favor of and in opposition to the proposed  
14 amendment.

15

**EXPLANATION**

16 The proposed amendment adds a new Section to the Revenue  
17 Article of the Illinois Constitution that provides revenue  
18 generated from transportation related taxes and fees (referred  
19 to as "transportation funds") shall be used exclusively for  
20 transportation related purposes. Transportation related taxes  
21 and fees include motor fuel taxes, vehicle registration fees,  
22 and other taxes and user fees dedicated to public highways,  
23 roads, streets, bridges, mass transit (buses and rail), ports,

1 or airports.

2 Under the proposed amendment, transportation funds may be used  
3 by the State or local governments only for the following  
4 purposes: (1) costs related to administering transportation  
5 and vehicle laws, including public safety purposes and the  
6 payment of obligations such as bonds; (2) the State or local  
7 share necessary to secure federal funds or for local government  
8 transportation purposes as authorized by law; (3) the  
9 construction, reconstruction, improvement, repair,  
10 maintenance, and operation of highways, mass transit, and  
11 railroad crossings; (4) expenses related to workers'  
12 compensation claims for death or injury of transportation  
13 agency employees; and (5) to purchase land for building  
14 highways or buildings for to be used for highway purposes.

15 This new Section is a limitation on the power of the General  
16 Assembly or a unit of local government to use, divert, or  
17 transfer transportation funds for a purpose other than  
18 transportation. It does not, and is not intended to, impact or  
19 change the way in which the State and local governments use  
20 sales taxes, including the sales and excise tax on motor fuel,  
21 or alter home rule powers granted under this Constitution. It  
22 does not seek to change the way in which the State funds  
23 programs administered by the Illinois Secretary of State,  
24 Illinois Department of Transportation, and operations by the

1 Illinois State Police directly dedicated to the safety of  
2 roads, or entities or programs funded by units of local  
3 government. Further, the Section does not impact the  
4 expenditure of federal funds, which may be spent for any  
5 purpose authorized by federal law.

6 **Arguments In Favor of the Proposed Amendment**

7 Historically, the State and units of local government have used  
8 portions of revenue from transportation funds for other  
9 purposes. Approval of this amendment will ensure that  
10 transportation funds are used only for transportation  
11 purposes. This limitation provides a dedicated source of  
12 funding for projects that will increase the quality of  
13 Illinois' roads, bridges, bridge and road safety inspections,  
14 and mass transit. Improving the quality of our roads and  
15 highways will help reduce accidents and damage to vehicles  
16 caused by road conditions or hazards.

17 **Arguments Against the Proposed Amendment**

18 Approval of the proposed amendment unnecessarily limits the  
19 power of the State and local governments to appropriate public  
20 revenues for the general welfare of all Illinoisans in order to  
21 protect funding for one particular purpose - transportation.  
22 Our elected officials should be asked to prioritize the use of

1 public funds, but this amendment would restrict their ability  
2 to spend funds as the elected officials and taxpayers deem fit.  
3 As a result, elected officials may be asked to reduce funding  
4 for other priorities, such as education or social service  
5 programs.

6 **FORM OF BALLOT**

7 Proposed Amendment to the 1970 Illinois Constitution

8 Explanation of Amendment

9 The proposed amendment adds a new section to the Revenue  
10 Article of the Illinois Constitution. The proposed amendment  
11 provides that no moneys derived from taxes, fees, excises, or  
12 license taxes, relating to registration, titles, operation, or  
13 use of vehicles or public highways, roads, streets, bridges,  
14 mass transit, intercity passenger rail, ports, or airports, or  
15 motor fuels, including bond proceeds, shall be expended for  
16 other than costs of administering laws related to vehicles and  
17 transportation, costs for construction, reconstruction,  
18 maintenance, repair, and betterment of public highways, roads,  
19 streets, bridges, mass transit, intercity passenger rail,  
20 ports, airports, or other forms of transportation, and other  
21 statutory highway purposes, including the State or local share  
22 to match federal aid highway funds. You are asked to decide  
23 whether the proposed amendment should become part of the

1 Illinois Constitution.

2 -----

3 YES For the proposed addition

4 ----- of Section 11 to Article IX

5 NO of the Illinois Constitution.

6 -----